IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 21ST NOVEMBER 2007 / 30TH KARTHIKA 1929

Bail Appl..No. 7145 of 2007()

CRIME NO.1662/07 OF PERUMBAVOOR POLICE STATION, PERUMBAVOOR.
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PETITIONERS/ACCUSED NO.1-3
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1. **ANZAR, AGED 26 YEARS**
   S/O.ALIYAR, ELLUVARAM HOUSE
   MARAMPILLY KARA, MARAMPILLY.

2. **ALIYAR,AGED 56 YEARS**
   S/O.SAIDALI,ELLUVARAM HOUSE
   MARAMPILLY KARA, MARAMPILLY.

3. **KUNJUMMA, AGED 57 YEARS**
   W/O.ALIYAR,ELLUVARAM HOUSE
   MARAMPILLY KARA, MARAMPILLY.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA REPRESENTED BY
THE PUBLIC PROSECUTOR
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7145 of 2007

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Dated this the 21st day of November, 2007

O R D E R

Application for anticipatory bail. The petitioners are the husband and parents-in-law of the defacto complainant. The marriage took place on 26.11.2006 and within a year the parties are before the criminal court. The defacto complainant alleged that the petitioners have been guilty of matrimonial cruelty of the culpable variety against her. The petitioners have a totally different story to advance. According to them, there was no matrimonial cruelty directed against the defacto complainant from the petitioners. The defacto complainant was behaving in an indifferent manner, according to them. Crime has been registered. Investigation is in progress. The petitioners apprehend imminent arrest.

2. The learned counsel for the petitioners prays, the learned Prosecutor does not oppose the said prayer and I am satisfied that directions under Section 438 Cr.P.C. can be issued

in favour of the petitioners. In coming to this conclusion I take note of the fact that the marriage had taken place as late as on 26.11.2007 and the arrest and incarceration of the petitioners is likely to mar all possibilities of reconciliation of marital relationship. I do also take note of the submission of the learned Prosecutor that there is no allegation that the defacto complainant has suffered any external physical injury as a result of the alleged physical cruelty inflicted, though she got herself admitted in the hospital. Subject to appropriate conditions, anticipatory bail can be granted to the petitioners.

4. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioners shall surrender before the learned Magistrate on 28.11.2007 at 11 a.m. The learned Magistrate shall release the petitioners on regular bail on condition that they execute bonds for Rs.25,000/- (Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m. and 1 p.m. on 29.11.07 and 30.11.2007 and thereafter on all Mondays and Fridays between 10 and 12 noon for a period of one months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioners do not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 28.11.07 and the police shall be at liberty thereafter to arrest the petitioners and deal with them in accordance with law.

(d) If the petitioners were arrested prior to their surrender on 28.11.2007 as directed in clause (1) above, they shall be released on bail on their executing bonds for Rs.25,000/- each without any surety undertaking to appear before the learned Magistrate on 28.11.2007.

(R. BASANT)
Judge

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